

17 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CEAYA L. THOMAS.,

Plaintiff,

Case No. 17-cv-13492
Hon. Matthew F. Leitman

v.

BANNUM PLACE, INC.,

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION FOR FIRST
AMENDMENT OF AFFIRMATIVE DEFENSES (ECF #34)**

On January 16, 2019, Defendant Bannum Place, Inc. filed a motion to amend its affirmative defenses in this action. (*See* Mot., ECF #34.) More specifically, Bannum Place says that it recently uncovered a “Hold Harmless Agreement” that “potentially insulates [it] from all or some of the claims presented in [P]laintiff’s lawsuit.” (*Id.* at Pg. ID 173.) Bannum Place therefore asks the Court to allow it to amend its affirmative defenses “to add that [P]laintiff’s claim is barred by the Hold Harmless Agreement.” (*Id.* at Pg. ID 174.) Plaintiff opposes the motion on the ground that the proposed amendment is futile because the Hold Harmless Agreements are unenforceable. (*See* Resp., ECF #37.)

The Court will rule on the validity and enforceability of the Hold Harmless Agreements on summary judgment. Accordingly, the Court will **GRANT** Bannum Place's motion to amend its affirmative defenses. The Court takes no position, at this time, as to the viability of Bannum Place's newly-added affirmative defense.

IT IS SO ORDERED.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 5, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 5, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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